

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v

RANDY WALTER JOHNSON

Defendant

Case No.: 2:13-cr-317-KJD-GWF

FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER

Based upon the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

The parties have stipulated to continue the sentencing hearing date as presently scheduled.

This Court, being convinced that adequate showing has been made that were this request for continuance to be denied, counsel would not have the necessary time to effectively prepare for the sentencing hearing, taking into account the exercise of due diligence, and a miscarriage of justice could result, based on the following:

1. Counsel for the Defendant is appointed CJA counsel.
2. Counsel for the Defendant is currently in jury Trial in the Eighth Judicial District Court, Clark County, Department 8, in Case C-10-261753-3, State of Nevada v. Will Sitton/Jacquie Schafer, which is a co-Defendant capital murder trial that is expected to last through the first week of November 6, 2015, said case dating back until 2009. This Trial commenced on Monday, October 12, 2015 and is in session from 9:00 a.m. until approximately 5:00 p.m. each day.
3. Counsel for Defendant is also set for trial on November 9, 2015 in the

1 Eighth Judicial District Court, Clark County, Department 8, in Case C-13-289156-1,  
2 State of Nevada vs Lynda Finch-Estrada, which is a three (3) co-defendant, fifteen  
3 (15) count mortgage fraud case. This trial is expected to last at least two (2) weeks.

4 5. Counsel for Defendant is also set for trial on November 16, 2015 Counsel is  
5 set for trial in the Eighth Judicial District Court, Clark County, Department 10, in  
6 Case C-14-303096, State of Nevada v. Tadonte Smith, which is a sexual assault and  
7 kidnapping case where the client is facing a life sentence. This trial is expected to  
8 last for at least a week. On offer of negotiation has been submitted and it is  
9 unknown if this matter will go forward.

10 6. Moreover, on November 30, 2015, Counsel for Defendant is set for jury  
11 trial in the Eighth Judicial District Court, Clark County, Department 4, Case C-12-  
12 285104-3, State of Nevada v. Mariano Sanchez-Sanchez, which is a three (3) co-  
13 defendant kidnapping case where all Defendants are facing a potential sentence of  
14 life imprisonment. The State is expected to call 70 witnesses in this case. The State  
15 and all co-defendants are announcing ready for the November 30, 2015 trial date.  
16 The allegations in this case date back to August of 2012 and the undersigned's client  
17 has been in custody since September 5, 2012 awaiting Trial, which has been  
18 continued numerous times through no fault of his own.

19 7. Given the facts articulated above, Counsel for Defendant contacted the  
20 Assistant United States Attorneys responsible for the prosecution of this matter,  
21 Pam Martin, Esq. and Amber Craig, Esq., and requested a stipulation that  
22 sentencing be continued until the resolution of the above mentioned matters so that  
23 counsel for Defendant can be present for sentencing in this matter.

24 8. Denial of this request for continuance would deny the parties herein  
25 time and the opportunity to effectively and thoroughly prepare for the sentencing  
26 hearing, taking into account the exercise of due diligence.

27 9. Additionally, denial of this request for continuance could result in a  
28

1 miscarriage of justice.

2       10. For all of the above-stated reasons, the ends of justice would best be  
3 served by a continuance of the sentencing date.

**ORDER**

IT IS HEREBY **ORDERED**, that the sentencing hearing currently scheduled for October 20, 2015 be vacated and continued to Tuesday, January 5, 2016 at the hour of 9:00 a.m..

ENTERED this 19th day of October, 2015.



United States District Court Judge  
Kent J. Dawson